



Memorandum

TO: PLANNING COMMISSION MEMBERS

FROM: David Hanham, Planning Manager

SUBJECT: Pinole Shores II, 830-848 San Pablo Avenue

DATE: May 8, 2023

Property Owner	City of Pinole 2131 Pear Street, Pinole, CA 94564
Applicant	GRP Shores, LLC Attn: J Diemer 2350 N. University Drive #848300 Pembroke Pines, FL 33084 Herdman Architecture & Design 16201 Scientific Way Concord, CA 94520
File	Planning Application PL21-0090 Comprehensive Design Review (CDR) DR 21-19 Parcel Map Application MS-463-22
Request	Comprehensive Design Review, Conditional Use Permit and Parcel Map to develop a project consisting of construction of two tilt-up wholesale distribution and warehouse buildings with accessory office space for a total of 117,943 square feet of warehouse and approximately 10,000 square feet of office floor area, as well as site preparation of the vacant 7.37-acre site and consolidation of parcels.
Location	836-848 San Pablo Avenue, Pinole CA 94564
Assessor Parcel Number(s)	402-230-015, 402-230-016, 402-230-017, 402-230-018, and 402-230-020
Total Area	7.37 acres/321,020 sf
General Plan Land Use Designation	SSA, Service Sub Area
Specific Plan Sub-Area	SSA, San Pablo Avenue Corridor /Service Sub-Area
Zoning Classification	OIMU, Office Industrial Mixed-Use
Review Authority	Comprehensive Design Review - Planning Commission – Pinole Municipal Code (PMC) §Table 17.10.060-01; Conditional Use Permit – Planning Commission – PMC § Table 17.10.060-01; Parcel Map – Planning Commission—PMC §16.12.140;

BACKGROUND

In July of 1999, the Pinole Redevelopment Agency (the "Agency") adopted an Economic Development Strategy Plan. The Plan focused on blighted parcels along San Pablo Avenue that could be used to strengthen the City's Industrial Park. The Plan identified the subject site at 836-848 San Pablo Avenue, the former Anthony Auto Wreckers site, as a site for future redevelopment. The project area is bordered to the south by the Pinole Shores I project, which includes two light industrial buildings, a building that is used for ancillary commercial uses (a restaurant, a commercial kitchen for small business and catering, and a gym). It is bordered to the east by an existing materials yard, to the north by the BNSF Railroad and Bay Trail, and to the west by existing residential developments. The Pinole Shores I project is also located on the original Anthony Auto Wreckers site. Upon purchase of the site, the Agency undertook environmental clean-up due to the prior use. Upon completion of the clean-up, in 2002, the Agency received a Covenant and Environmental Restriction from the California Regional Water Quality Control Board that restricts the use of the site to industrial, commercial or office use. See **Figure 1** for project location and surrounding area.

Figure 1: Project Location



In April of 2005, the Agency approved a Disposition & Development Agreement (DDA) with the Panattoni Development Group for the development of the Pinole Shores Business Park at 836-848 San Pablo Avenue. The project was designed to provide ownership opportunities for small businesses owners by creating approximately 149,871 square feet of light industrial, businesses condominiums that could be used for manufacturing, office, warehousing, wholesale distribution, and retail purposes.

In 2006, Pinole Shores I started construction on four buildings identified as 806, 812, 818 and 824 San Pablo Avenue. Each of these addresses have multiple suites due to condominiums maps that were approved for the four buildings. As the buildings were being built for Pinole Shores I, the developer started the financing process the Pinole Shores II project.

In March of 2007, the City and Panattoni Development Company entered into a new DDA for the construction of the Pinole Shores II project. In 2008 there was a collapse in the real estate market – for both commercial and residential real estate. At that time, the Panattoni Development Company determined that the proposed Pinole Shores II project was no longer financially feasible and decided not to purchase the remaining 7.37 acres that was to comprise the Pinole Shores II project. The City and Panettoni subsequently terminated the existing DDA.

On May 28, 2019, the City entered into an Exclusive Negotiating Agreement with General Realty CE, LLC to purchase the property at 836-848 San Pablo. The negotiations resulted in the execution of a DDA with GRP Shores, LLC, (the “Applicant”) an affiliate of General Realty, on May 9, 2022. Certain terms and conditions of the DDA include the City obtaining the necessary easements needed from EBMUD and the Pinole Shores 1 existing project in order to access surface and underground areas needed for the development of the new proposed project. In addition, the Applicant is required to obtain the entitlements necessary to construct the proposed project prior to closing on the property.

The Applicant submitted a development application in January of 2022 to construct two tilt-up buildings totaling 117,943 square feet as well as a parcel map to consolidate the parcels from five to one. In April of 2023, the Applicant applied for a Conditional Use Permit (CUP) to allow for wholesale distribution and reduced parking at the project site.

PROJECT DESCRIPTION

The proposed project has three major components: Comprehensive Design Review, a Conditional Use Permit (CUP), and a Parcel Map. The Comprehensive Design Review will review the design of the building, the landscape and parking plan, and overall consistency with the Pinole Shores I project. The CUP will review will determine if wholesale distribution will be allowed at the project site and if a reduction of parking may be granted. The Parcel Map will review the consolidation of five existing parcels through a Parcel Map into one parcel. See **Figure 2** for the proposed site plan and landscaping for the new development.

The project would construct two new 43-foot-high “tilt-up”

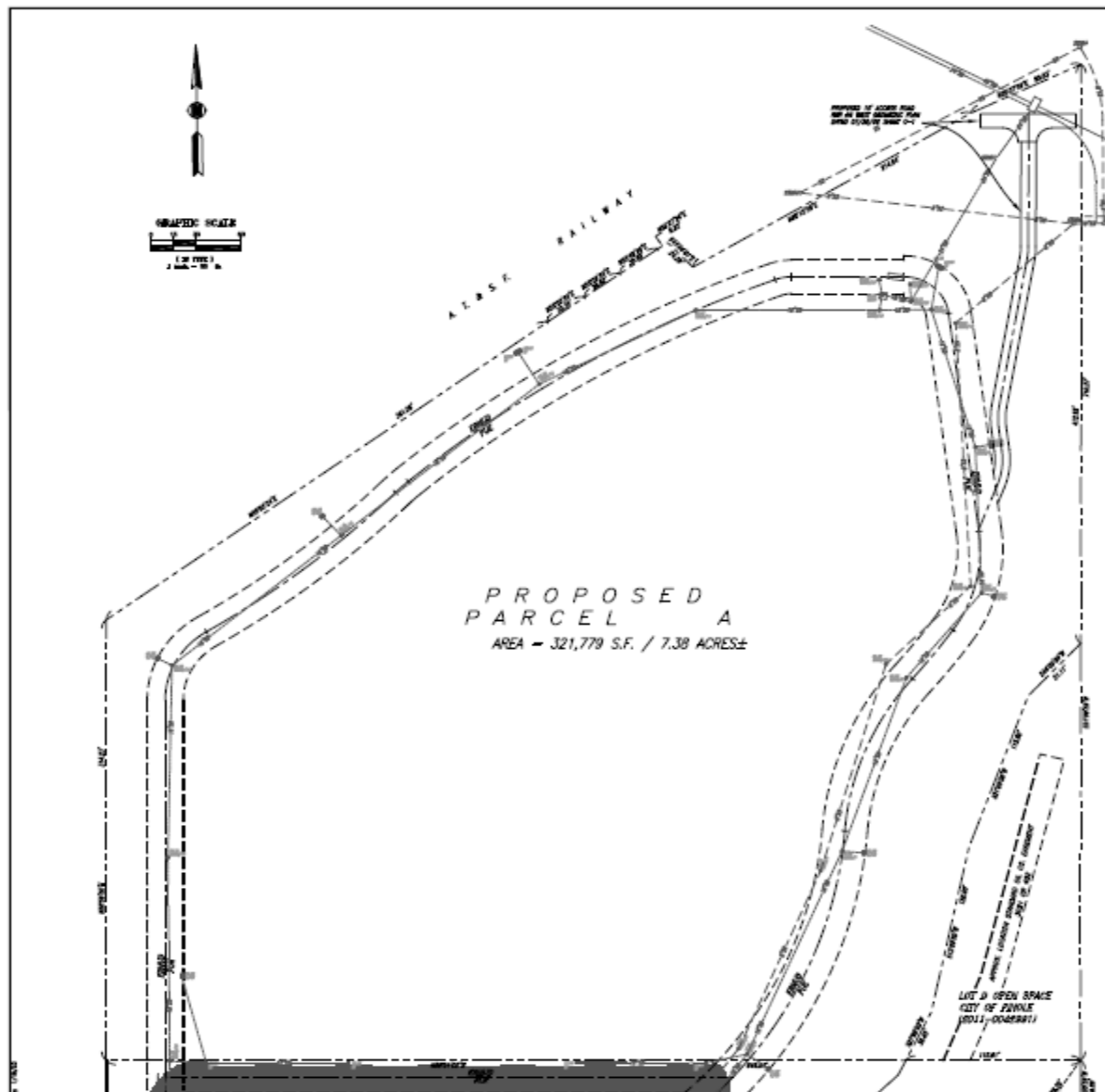
Figure 2: Site Plan



buildings. Tilt-up construction refers to a series of concrete panels which are poured into forms on the ground and then tilted up into place to comprise a building's exterior walls. The project proposes a total of 107,943 square feet of warehouse area 10,000 square feet of office space. The project also includes the installation of parking, lighting, landscaping, and other ancillary improvements to accommodate the proposed development.

A more detailed landscape plan is outlined in **Exhibit C** of this report. See **Figure 3** for the proposed Parcel Map.

Figure 3: Proposed Parcel Map



Uses and Layout

Building One will be located at the northern portion of the site and consists of 37,482 square feet of floor area. It will contain 32,482 square feet of warehouse/research/development/industrial space and 5,000 square feet of office space. Building One will have roll-up doors and parking for two trucks at the loading docks. Building Two will be located south of Building One and totals 80,461 square feet inclusive of 75,461 square feet of warehouse/research/development/industrial space and 5,000 square feet of office space. Building Two will have seven roll-up doors and parking for seven trucks at the loading docks. Both buildings will have truck-loading docks that face a shared alley. In both buildings, the 5,000 square feet of office space is divided into 2,500 square feet on the ground floor and 2,500 square feet on a mezzanine level. The ground floor office spaces in each building will have a conference room, two private offices, a kitchen area, and four bathrooms, two of which are accessible from the office and two from the warehouse area. Each building contains two staircases, one internal to the office space and connects the ground floor with the mezzanine, and the other within the warehouse space, providing a connection from the warehouse floor to the mezzanine level.

Parking

The project site will be improved with a 20-foot-wide exclusive access road which will extend from the southeast corner of the site along the perimeter of the building footprint to the southwest corner of the site. Through access will be provided from existing driveways at the adjacent Pinole Shores Business Park. Access easements will be established to formalize access to the project site through the Pinole Shores Business Park.

The project includes 147 head-in parking spaces with dimensions of nine feet wide by 19 feet deep for passenger vehicles on the periphery of the site, surrounding the new structures. Of the 147 parking spaces, eight will be ADA accessible and four will be clean-air carpool/vanpool spaces. Pursuant to Bay Area Air Quality Management District (BAAQMD) requirements, 19 of the parking spaces be electric vehicle charging spaces, and 38 spaces be charger ready (with infrastructure installed for future charging). Between Buildings One and Two, there will be 10 truck loading and unloading spaces at the loading docks. These spaces are equipped with two dock-high roll-up doors in Building One and five in Building Two. There are seven 14' x 50' loading spaces for Building One. There are three 12' x 30' loading spaces for Building Two.

Accessibility

The project will install a sidewalk adjacent to the northern side of the exclusive access road to provide a pedestrian path of travel between Buildings One and Two. Another pedestrian sidewalk is proposed to provide a connection between Building Two and the Pinole Shores Business Park.

The project will install two hoop-style bicycle racks ("Dero Round Racks") at the front entrance of Building One and Building Two. The racks for both buildings will allow for eight total bike parking spaces, four spaces at Building One and four spaces at Building Two. It should be noted bicycle parking is not required for industrial uses pursuant to Section 17.48.120 (B) of the Pinole Municipal Code.

The West Contra Costa Transit Authority (WestCAT) serves the project site. The nearest westbound bus stop is located on San Pablo Avenue adjacent to the Pinole Shores Business Park frontage, and the nearest eastbound bus stop is located across the street at the intersection of San Pablo Avenue and Meadow Avenue. The draft Resolution in **Exhibit A** provides Conditions of Approval (COA No. 40 and ENV-COA

TRAN-1) that requires the applicant to install a bus shelter with seating at the bus stop on San Pablo Avenue at the project entrance.

Landscaping

The applicant is proposing a full-scale preliminary landscape and irrigation plan for this project. The Preliminary Landscape and Irrigation Plan outlines trees, shrubs, ground cover over the project area. The Preliminary Landscape And Irrigation Plan on pages L1.00 – L4.00 (Exhibit C) outlines the landscaping requirements as outlined in Chapter 17.44. Landscaping for this project. Pursuant to Section 17.44.030 Final Landscape Plans are required as reflected in COA No. 52.

The project will install a sidewalk adjacent to the northern side of the exclusive access road to provide a pedestrian path of travel between Buildings One and Two. Another pedestrian sidewalk is proposed to provide a connection between Building Two and the Pinole Shores Business Park.

Overall Design

The proposed architecture for both buildings is similar. The structures are composed of concrete tilt-up wall panels with a similar color scheme and fenestration pattern. With respect to the color palette, the applicant proposes metallic white, light grey, dark grey with stamped concrete. With respect to the windows, the applicant proposes medium performance green reflective glazing with clear anodized mullions windows throughout both buildings. **Figures 5** through **8** show the proposed design of the completed project.

Figure 5 Proposed East Elevation Building Two



Figure 6: Proposed West Elevation Building Two



Figure 7: Proposed South Elevation Building One



Figure 8: Proposed North Elevation of Building One



Development Standards

Table 1 compares the proposed project with the required development standards under Chapter 6 of the Three Corridors Specific Plan and in PMC §17.24.030 and 17.48.050. The table shows that a CUP is required for wholesale distribution at the site.

Table 1. Development Standards

Development Standard	Code Requirement	Proposal for Pinole Shores II Development	Compliance
Setbacks	PMC- Table 17.24.020-1/Three Corridor Specific Plan Table 6.10:		
Front	0-5 feet	41 feet	Yes
East Side	10 feet	46 feet	Yes
West Side	10 feet	57 feet	Yes
Rear	0-15 feet	71 feet	Yes
Building Height	4 stories/ 50 feet (PMC -Table 17.24.020-1 and Three Corridor Specific Plan Table 6.3)	1 story/40 feet	Yes

Development Standard	Code Requirement		Proposal for Pinole Shores II Development	Compliance
Landscaping	<ul style="list-style-type: none"> - PMC §17.44.050 General Landscape Development Standards - PMC §17.44.060. F. On-Site Pedestrian Pathways. - PMC §17.44.060. L.3 Parking Lot Shade. 		Pages L1.0 through L4.0 outlines the landscape requirements in 17.44.050.	The project complies with applicable landscaping requirements
Parking	<p>-PMC §17.48.040: Warehousing, Wholesaling, Research, and Other Industrial: 1 Space/1,000 sf of gross floor area, plus 1 space for every 4 employees</p> <p>Offices, Business and Professional, including medical: 1 Space/250 sf of gross floor area</p> <p>-PMC §17.48.110: Loading Space: 1 Space/10,000 sq ft, plus 1 space for additional each 40,000 sq feet</p>	Total Required ¹ : 147 spaces required, plus 1 space for every 4 employees ² and 5 loading spaces	<p>147 parking spaces</p> <p>10 loading spaces</p>	The project complies with standard warehousing, wholesaling, research, and other industrial uses parking requirements and loading space requirements. However, the project does not meet the additional fractional requirement of 1 space per every 4 employees and a CUP is requested to waive this fractional requirement for parking.

¹ Building One (37,482 sf):

- Warehouse/ Wholesale/ Research/ Other Industrial space (32,482 sf) = 32 parking spaces plus 1 space for every 4 employees¹
- Office/ Mezzanine (5,000 sf) = 20 parking spaces
- Loading spaces 2 spaces

Building Two (80,461 sf):

- Warehouse/ Wholesale/ Research/ Other Industrial space (75,461 sf) = 75 spaces plus 1 space for every 4 employees
- Office/ Mezzanine (5,000 sf) = 20 spaces
- Loading spaces 3 spaces

² Number of employees unknown at this point in time as an end-user has not been identified

Required Land Use Approvals

Entitlements and approvals required for the project include Comprehensive Design Review, a Conditional Use Permit, a Parcel Map, and a California Environmental Quality Act (CEQA) determination. Pursuant to PMC Table 17.10.060-1, the Planning Commission has approval authority of the Comprehensive Design Review, Conditional Use Permit, Parcel Map, and CEQA determination. It should be noted that the Council has *de novo* approval authority of the entitlements on a timely filed appeal of the Planning Commission's decision.

Ad-Hoc Committee Review

The Planning Commission's Ad-Hoc Committee provided feedback on design treatments on May 5, 2022. This feedback resulted in architectural revisions which added more details and interest to the buildings. Comments from the Ad-Hoc Committee are summarized below with the status noted in italics below the comment.

1. Consider the building design to add a mixture of colors consistent with Pinole Shore I and eliminate the box style development.
 - *Based on the anticipated use of the buildings, the Applicant was unable to revise the box style of the buildings. However, the Applicant added assorted colors to the building to be consistent with Pinole Shores I. The applicant also added two-foot undulations for every 50 feet, consistent with the Specific Plan, which helps to break up building massing.*
2. Consider use of native tree species as much as possible.
 - *The Applicant will consult with the arborist, and a condition of approval (COA) No. 52 has been included in the draft resolution which would require the inclusion of more native trees where possible.*
3. Ensure adequate lighting but minimize spillover light.
 - *Preliminary lighting fixture details are included the plans, and a condition of approval (COA No. 41 has been included in the draft resolution that would require the project to comply with Chapter 17.46 of the City's Municipal Code Lighting standards, which address levels of illumination.*
4. Consider adding a traffic signal at the main entrance of Pinole Shores I and San Pablo Avenue.
 - *After collaborating with the Department of Public Works, the applicant's traffic engineer and the environmental consultant, the developer agreed to make the following off-site improvements:*
 - a. *The project driveway and the Meadow Avenue approaches at the San Pablo Avenue/Meadow Avenue/Project Driveway intersection shall be restricted to right-turns only by prohibiting left-turns and through movements via signage and striping. The Project driveway approach at the intersection shall also be narrowed from two lanes to one lane.*
 - b. *The eastbound left turn pocket on San Pablo Avenue shall be lengthened from 60 to 130 feet, increasing the queue storage for large trucks (e.g., WB-40 and WB-67)*
 - c. *The existing crosswalk across the project driveway shall be relocated closer to the intersection to align with the existing sidewalk along the north side of San Pablo*

Avenue, which would provide additional queue storage for vehicles exiting the project site and improve pedestrian circulation along the project frontage. The existing striping shall be adjusted to improve queue storage for vehicles exiting the project site.

- d. A new stop sign with pavement markings shall be installed at the private parking lot intersection immediately north of the intersection with San Pablo Avenue, which would minimize queuing within the project site, maintain access to the drive aisle just north of the project driveway, and minimize the inbound project queues spilling back onto San Pablo Avenue.
 - e. Within one year after the full occupancy of the project, a traffic signal at the San Pablo Avenue/Meadow Avenue/Project Driveway intersection shall be installed to the satisfaction of the City Engineer, unless a signal warrant study has been completed for the intersection demonstrating that signalization is not warranted. If a signal is installed at the intersection, the right-turn only restrictions at the Project Driveway and the Meadow Avenue approaches of the intersection shall be removed and the Project Driveway approach at the intersection shall be widened to two lanes.
5. Sustainability of the building, including solar panels, EV (electric vehicle) parking, all electric buildings.
- The applicant is proposing to install 19 EV parking stalls, 38 EV ready stalls, incorporate sky lights and solar panels on the roofs, as well as make both buildings all electric. In the future, solar paneled covered parking could be installed where applicable with the approval of a building permit. Staff is requiring the applicant to submit a parking plan within the Parking Management Plan (COA No. 36) showing placement of the 19 charging stations and conduit for the additional locations consistent with the Bay Area Air Quality Management District.

Figure 4 Transportation Recommendation



ANALYSIS

The project has been reviewed for consistency with the City’s General Plan, the Three Corridor Specific Plan, and the Zoning Ordinance. As part of the consistency evaluation, the Planning Commission is required to make specific findings and other considerations consistent with Chapters 16.12 (Tentative Maps) and 17.12 (Entitlements) of the PMC in order to approve the Comprehensive Design Review, Conditional Use Permit, and Parcel Map. The following discussions expand on elements considered in the determination of consistency with findings.

General Plan Consistency

The property located at 836-848 San Pablo Avenue has a General Plan Land Use Designation of “SSA” (Sub-Service Area). The SSA designation is intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investments and additional development. Each Service-Sub Area has a different emphasis. San Pablo Avenue Corridor SSA is intended to preserve land for manufacturing and industrial uses, particularly “green industry.” A limited amount of general office, retail and residential uses may be permitted where they will not conflict with the principal industrial uses in the area.

POLICIES

The project helps to implement policies within different elements of the General Plan including the Community Character Element, Land Use and Economic Development Element, Circulation Element, Health and Safety Element, and the Sustainability Element. The policies below are a partial list of the most relevant to the project.

Community Character Element

- | | |
|----------------------|--|
| POLICY CC.1.1 | All new development and redevelopment shall adhere to the basic principles of high-quality urban design and architecture including, but not limited to, human-scaled design, pedestrian orientation, and interconnectivity of street layout, siting buildings to highlight important intersections, entryways, focal points, and landmarks. |
| POLICY CC.1.2 | Require all new development to incorporate high-quality site design, architecture and planning to enhance the overall quality of the built environment in Pinole and create a visually interesting and aesthetically pleasing town environment. |
| POLICY CC.1.5 | Encourage project compatibility, interdependence, and support with neighboring uses, especially between commercial and mixed-use centers and the surrounding residential neighborhoods. Uses should relate to one another with pedestrian connections, transit options, shared parking, landscaping, public spaces, and the orientation and design of buildings. |

Land Use and Economic Development Element

- POLICY LU.3.3** Require design review of commercial and industrial projects to ensure compatibility with adjacent or nearby land uses, including intensity, access, internal circulation, visual characteristics, noise, odors, fire hazards, vibrations, smoke, discharge of wastes and nighttime lighting.
- POLICY LU.7.1** Provide sufficient land for commercial and industrial uses to allow for development that provides basic goods and services to Pinole residents.
- POLICY LU.7.3** Continue to strive for a balance between the number of jobs in the Pinole Planning Area and the number of housing units available for workers by encouraging and supporting policies and programs, mixed-use projects which provide both housing and employment opportunities, and the development of affordable housing.
- POLICY LU. 7.5** Ensure that new and existing developments can be adequately served by municipal services and facilities in accordance with City standards. New projects which require construction or expansion of public improvements shall pay their fair share of the costs necessary to improve or expand infrastructure to serve them, including street improvements, parks, water storage tanks, sewer and water service, and other public services.

Circulation Element

- POLICY CE.1.1** Encourage strategic growth that concentrates future development along Pinole's three primary transit corridors (San Pablo Avenue, Appian Way, and Pinole Valley Road).
- POLICY CE.1.4** Encourage maximum utilization of the existing public transit system and alternate modes of transportation in Pinole.
- POLICY CE.1.2** Coordinate development of the circulation system with sustainable land use planning.
- POLICY CE.6.1** Encourage the use of carpooling and vanpooling to maintain an acceptable LOS on city streets and I-80.
- POLICY CE.6.2** Implement transportation demand management strategies in conjunction with land uses in order to prevent future traffic congestion in the city.
- Action CE.7.2.2** Require provision of adequate, convenient, and secure bike parking in conjunction with private development.
- POLICY CE.8.1** Require development to provide pedestrian walkways that are safe, interconnected, and accessible by all members of the community.

Health and Safety Element

- POLICY HS.6.1** Promote and encourage walking and bicycling as viable forms of transportation to services, shopping, and employment.
- POLICY HS.7.3** Reduce the transport of runoff and surface pollutants off site.

Sustainability Element

- POLICY SE.3.4** Reduce GHG emissions by reducing vehicle miles traveled and by increasing or encouraging the use of alternative fuels and transportation technologies.
- POLICY SE.4.1** Explore and promote opportunities for the City's use of sustainable energy sources (e.g., solar, wind, biomass, tidal energy generation, methane, geothermal, and hydropower).
- POLICY SE.4.3** Pinole will promote and require renewable energy generation and cogeneration where feasible and appropriate.
- POLICY SE.4.5** Pinole will continue to promote and support and require, where appropriate, the development of solar energy.
- POLICY SE.7.4** In order to reduce vehicle miles traveled and traffic congestion, new development within 1,000 feet of an existing or planned transit stops should be designed to encourage the usage of public transit and minimize the dependence on the automobile through the application of site design guidelines.
- Action SE.8.7.3** Require new commercial, multi-family residential, and mixed-use development to provide secure bicycle parking.

Staff Comment: The project is consistent with the General Plan, as demonstrated by the highlighted policies above. The project features high quality architectural design with internal aesthetic and functional connections between the new development and existing development. The project proposes infill development that realizes potential within the existing property to create new opportunities that expand industrial uses. As new construction, the project would be required to comply with current green building standards under the California Building Code, which include energy efficiency standards in buildings, compliance with solar requirements, and electric vehicle (EV) capable infrastructure. By constructing the two buildings in manner proposed by the applicant, the project is consistent with current standards to manage stormwater runoff and intake to existing stormwater facilities. Additionally, new landscaping areas and plantings are proposed on site which creates parking lot shading. The new landscaping will be drought resistance and comply with current State-mandated water efficient standards.

Specific Plan and Zoning Consistency

The Pinole Shores II project is in the San Pablo Avenue Corridor of the Three Corridor Specific Plan. The project is in the service sub-area (SSA) and has a Specific Plan Land Use/Zoning Designation of Office Industrial Mixed-Use (OIMU). See **Figure 9** for a map of the Specific Plan and Zoning designation. The

intent of OIMU under the Specific Plan is to allow a wide range of office and light industrial development. This designation is intended for office and light industrial uses with supporting retail and service uses. The predominant use allowed is office and/or light industrial. Retail must be ancillary to the principal industrial activity of the property and cannot exceed 10% of the total usable floor area. Public and quasi/public uses (community centers, public library, city hall, parks and other community-serving uses) are permitted.

At this time, the applicant does not have an end-user identified for this project. However, the applicant has indicated the buildings will be used primarily used for research and development uses, warehousing and distribution use, and wholesale distribution.

The project is consistent with the following Economic Development Strategy, Land Use, and Circulation Policies in the Specific Plan:

POLICIES

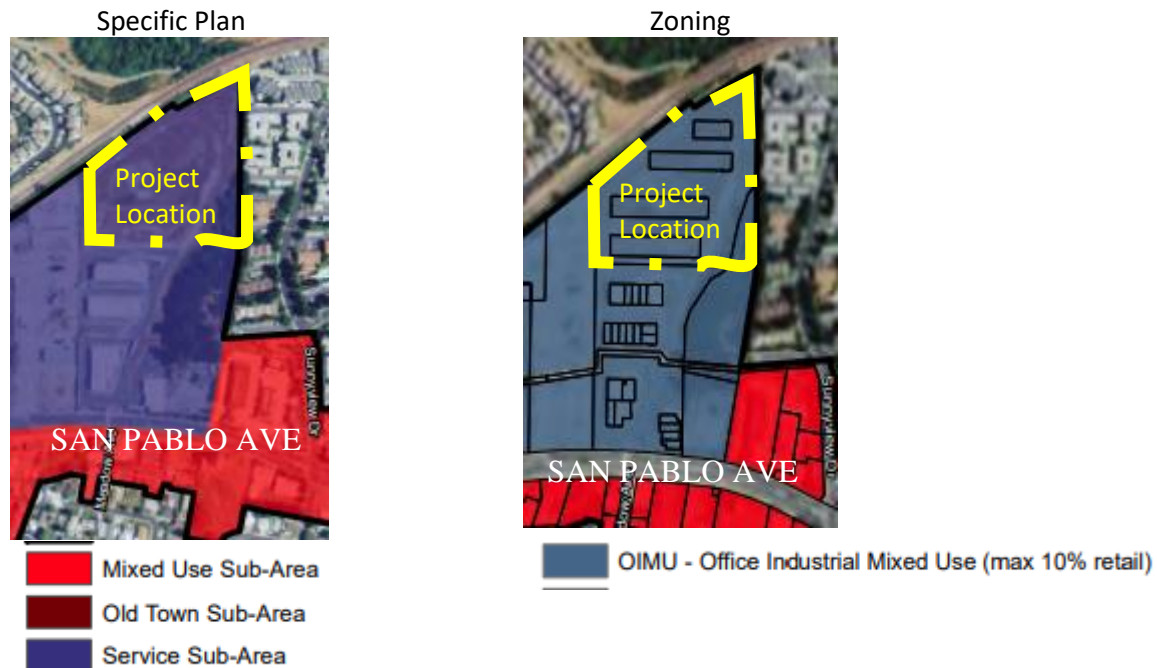
Land Use Policy 5. Support existing viable uses while encouraging a new mix of uses.

Land Use Policy 6. Actively promote the “revitalization” of underutilized land.

Circulation Policy 7. The City will ensure that there are clear rights-of-way for safe passage of pedestrians and bicyclists using San Pablo Avenue, Pinole Valley Road, and Appian Way

Economic Development Strategy (San Pablo Avenue Corridor). Support economic development that will bring more housing, retail, and employment to the community.

Figure 9: Specific Plan Designation and Zoning



Staff Comment: Based on the policies listed above from the Specific Plan, the project is consistent with the Specific Plan. The property is identified as Opportunity Site #5 in the Specific Plan, where light industrial uses were identified as a potential example of future development and office industrial mixed use would be desired. Additionally, the Specific Plan identifies that Green Industry is a permitted use by right in the OIMU designation. The project includes construction of new light industrial buildings.

With the new construction of the buildings, the leasable space would be approximately 117,943 square feet upon completion of the project. Building One would contain 37,482 square feet available for leasing purposes. Building Two would contain 80,461 square feet available for leasing purposes. (see **Table 2**).

Table 2: Total/Leasable Square Footage Proposed

Square Footage	Warehouse/ Wholesale/ Research/ Other Industrial	Office	Total Square Footage
Building one	32,482 (86%)	5,000 (14%)	37,482 (100%)
Building two	75,461 (93%)	5,000 (7%)	80,461 (100%)

Comprehensive Design Review Findings

In order to approve the Comprehensive Design Review, the Planning Commission must find for each of the required Comprehensive Design Review findings. Each finding is listed below followed by staff comment and conclusion.

1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.

Staff Comment: As stated above in this report, General Plan and Specific Plan goals and policies have been identified to satisfy consistency with the project. The project is compatible with the applicable zoning development standards for the project as shown in **Table 1**, and as otherwise permitted for provision of warehouse, research and development, distribution, and wholesale distribution.

Staff Conclusion: Based on the discussion above, the proposed project is consistent with the General Plan, Three Corridor Specific Plan, and the City of Pinole Zoning Ordinance,

2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Staff Comment: As part of the environmental component of project a Traffic Impact Study and a Vehicle Miles Traveled Analysis were conducted. Both studies showed that the traffic impacts were less than significant impact and will not create conflicts with implementation measures outlined in the document

Staff Conclusion: Based on the discussion above, the proposed project with not create conflicts with vehicular, bicycle or transportation modes of circulation.

3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, are compatible with and complement the existing surrounding environment and ultimate character of the area under the general plan and applicable specific plans.

Staff Comment: As shown on page A1.1 of the September 14, 2022, project plan set (**Exhibit C**), the proposed buildings are placed strategically to complement existing Pinole Shore I buildings. The plans also show that the primary areas for distribution activity are shielded from existing residential units to the east and west of the project. All proposed lighting has been located such that none of it leaks to adjacent parcels and is consistent with the existing Pinole Shore I project.

As stated above, this project meets General Plan and Specific Plan consistency. The opportunities for landscaping and open space are limited on the property, however the project proposed landscaping areas consistent with the existing Pinole Shores I project. The landscape plans indicate that the landscaping area on the property frontage will be maintained. Landscaping strips and pockets have been placed around the property while maintaining adequate room for parking and circulation. Pages L1.00 through L4.00 of the design package dated September 14, 2022 (**Exhibit C**) outline the conceptual landscape plan with potential tree, shrub and ground cover choices that are drought tolerant and well-suited to Pinole's climate.

Staff Conclusion: Based on the above discussion, the project would be compatible with and complement the existing surrounding environment and ultimate character of the area.

4. Qualifying single-family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

Staff Comment: This finding is not applicable to due to this project not having a residential component.

Staff Conclusion: The finding is not applicable.

In conducting comprehensive design review, the Planning Commission must reflect on the following considerations. Each consideration is listed below followed by staff comment and conclusion.

1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping, and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.

Staff Comment: The Development Package dated September 14, 2022 (**Exhibit C**), as well as the assessment of the project in this report, demonstrates that the project has been designed to consider all of the development features applicable to the project site and surrounding properties. Proposed development meets the applicable standards for the land use and zoning for the location.

Staff Conclusion: Based on the discussion in the staff report and the design package dated September 14, 2022 (**Exhibit C**), the site layout and other design features in relation to the physical characteristics of the site and surrounding properties have been considered.

2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.

Staff Comment: As part of the environmental component of the project a Traffic Impact Study and a Vehicle Miles Traveled Analysis were conducted. Both studies showed that the traffic impacts were less than significant impact and will not create conflicts with implementation measures outlined in the document. Conditions of Approval ENV – COA No. 114 outlines mitigations that will be required for this project.

The project proposes transportation demand management strategies. The design of the building allows for separation between the distribution component and the office component, which alleviates conflict between large delivery trucks and employee's vehicles. The design of the project also complements the existing Pinole Shores I project so that the parking spaces between the two buildings can be shared and allow for pedestrian access.

Staff Conclusion: As documented in this report, the traffic impact analysis for this project and the proposed project design addresses and considered traffic, safety, traffic congestion and the effect of the development on traffic conditions. The project includes appropriately designed vehicle and pedestrian entrance, exits, driveways and walkways.

3. Considerations necessary to ensure that the proposed development is consistent with the general plan and all applicable specific plans or other city plans, including, but not limited to, the density of residential units.

Staff Comment: This finding is not applicable to this project due to the project not proposing any residential development.

Staff Conclusion: This finding is not applicable for this project.

4. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police, and fire, and whether such services are adequate based upon city standards.

Staff Comment: The City sent communications to all of the City departments as well as EBMUD for input on availability of city services. Based on preliminary comments received of available utility information. this project has availability of water, sewer, drainage, police, and fire service.

Staff Conclusion: City services are available and adequate to serve the site. Also, the developer will pay impact fees and construct improvements to augment city services for this project.

Conditional Use Permit

Wholesale Distribution Use. At this time, the applicant does not have an end-user identified for this project. The applicant has indicated the buildings will be used primarily for research and development uses, warehousing and distribution use, and/or wholesale distribution. Wholesaling and distribution are a use that is only allowed at the project site with the approval of a CUP.

Wholesaling and Distribution is listed in Table 17.20.030-1 in PMC § 17.20.030 as requiring a CUP in the OIMU Zoning District. Furthermore, Wholesaling and Distribution is defined by PMC §17.22.020. (H) as:

Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers, and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

The Applicant's architect has indicated that the most likely end-user of the smaller building will be a research/development lab and administration use, and for the larger building a distribution and/or light manufacturing user. However, since the end-user is unknown at this point, the applicant is requesting approval of the CUP so the building can be marketed and potentially tenanted by a wholesale distribution use.

Parking Reduction. The project includes 147 head-in parking spaces with dimensions of nine feet wide by 19 feet deep for passenger vehicles on the periphery of the site, surrounding the new structures. In calculating required on-site parking for portions of the buildings slated for warehousing, wholesaling, research and other industrial uses, PMC §17.48.040 mandates a ratio of 1 space per every 1,000 sf of gross floor area plus 1 space per every 4 employees. The applicant has provided parking for the project that meets the standard requirement of 1 space per every 1,000 sf (for warehousing, wholesaling, research, and other industrial uses) or 250 sf (for office) of gross floor area but does not meet the additional fractional requirement which is dependent on the number of employees.

As the applicant has not identified an end-user for this project at this time, the number of employees is unknown, and the fractional requirement has not been met. Section 17.48.060 establishes that Planning Commission may grant a reduction in required parking for any use (except for single-family, ADU or two-family dwellings) through approval of a CUP. Therefore, the applicant is requesting approval of the CUP to waive the further fractional requirement which is employee dependent.

The architect has reported that based on their understanding of the desired uses and their experience there could be between 150-250 employees across both buildings. This estimate takes into consideration all shifts in a 24-hour period, which will depend significantly on the specific tenants. Distribution users would be on the lower end of this estimate, research and development, laboratories or more office-intensive use are on the higher end. The operating hours for this type of use which generally are 7 pm to 7 pm on weekdays however, some uses could require 24/7 operations, with the largest shift of employees being from 7 am to 3 pm. At the lower end of the estimated employee count, the reduction would account for 38 spaces; on the upper end of the estimated employee count, the reduction would account for 63 spaces.

Policy CE.6.2 of the Pinole General Plan requires implementation of “transportation demand management strategies in conjunction with land uses in order to prevent future traffic congestion in the City.” In response to this policy, the applicant prepared a Transportation Demand Management Plan (TDM), **Exhibit D**. The primary goal of TDM programs is to reduce the number of drive-alone trips generated by new developments, by shifting a proportion of trips to more sustainable modes, such as walking, biking, transit, or carpooling. This, in turn, helps to alleviate traffic congestion, reduce vehicle miles traveled (VMT) which results in reduced greenhouse gas emissions and other air pollution, and reduce demand for parking. The TDM Plan for the Pinole Shores II project is designed to reduce single-occupant vehicle (SOV) trips generated by the project. There are both required and encouraged elements of the TDM Plan. Required elements are shown in Table 2 of **Exhibit D**, and include programs such as carpool and vanpool preferred parking spaces, remote work option, bicycle repair fix-it station, showers/locker room and carpool matching efforts.

It is important to ensure TDM measures are implemented and effective. Therefore, a monitoring program is included in the TDM plan to measure the performance of the TDM plan based on the project non-SOV mode-use and corresponding automobile trip reductions. An annual commute program evaluation will allow the project and the City to assess the effectiveness of the unique program designed for the project. The annual monitoring provides an opportunity for the project to assess the success of the TDM Plan and to make adjustments or revisions as needed to achieve the TDM Plan goal.

If the requested parking reduction is approved by the Planning Commission, once an end user is identified the applicant will be required, per COA No. 38, to conduct a parking analysis utilizing actual employee numbers to ensure that TDM measures are sufficient to ensure the project is adequately parked. COA No. 39 ensures that the TDM plan is updated after the end-user is identified. If parking conditions are not satisfied, the applicant will be required to provide additional parking on their project site or apply for a Conditional Use Permit for shared parking with the Pinole Shores I site.

Conditional Use Permit Findings. In order to approve the Conditional Use Permit to allow for wholesale distribution and a parking reduction at the project site, the Planning Commission must find for each of the required Conditional Use Permit findings in the PMC. The Commission must find that the project meets all of the Conditional Use Permit findings under Section 17.12.140 as well as meet three or more of the criteria under Section 17.48.060(B)(1). Each finding is listed below followed by staff comment and conclusion:

1. *The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.*

Staff Comment: As stated above in this report, General Plan and Specific Plan goals and policies have been identified to satisfy consistency with the project. The project is compatible with the applicable zoning development standards for the project as shown in **Table 1**, and as otherwise permitted for the provision of warehouse, research and development, distribution, and wholesale distribution.

Staff Conclusion: Based on the discussion above, and with the exception of the fractional requirement for employee parking which is allowed with approval of the CUP, the proposed

project is consistent with the General Plan, Three Corridor Specific Plan, and the City of Pinole Zoning Ordinance.

2. *The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.*

Staff Comment: As shown on page A5 of the project plan dated September 14, 2022 (**Exhibit C**), the new buildings will be located in the rear of the existing Pinole Shores Business Park and approximately 150 feet from the nearest residential neighborhood to the east of the project site. On Page A.1 the orientation of Buildings One and Two have been designed such that the main entrances are located away from the existing residential properties to the east. Furthermore, Building Two (the larger building) is located on the southern end of the property adjacent to the existing building in the Pinole Shores I project area so that there will be less of an impact on the residential community to the east.

The Pinole Shores Business Park was established over 15 years ago. The approval of this project will not be detrimental to the health, safety, peace, moral, comfort or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.

The Pinole Shores project is providing 147 parking spaces in the rear of the property for Building One and Building Two which meets the City's parking standard for industrial buildings with the exception of the fractional requirement for employee parking which is allowed with approval of the CUP. The San Pablo Avenue Corridor general parking standards call for a reduction in parking if certain criteria can be met:

- 1) Shared parking arrangements can demonstrate that peak hour parking demand will not coincide to generate demand that is greater than the parking provided.
- 2) The property is adequately served by and is in close proximity to frequent transit service.
- 3) A transportation demand management program will reduce parking demand at the site.

Staff Conclusion: Based on the orientation of the building and the existing Pinole Shores I project, and evaluating the criteria for a parking reduction, the proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

3. *The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.*

Staff Comment: The Development Package dated September 14, 2022 (**Exhibit C**), as well as the assessment of the project in this report demonstrates that the project has been designed to

consider all of the development features applicable to the project site and surrounding properties. Development would meet the applicable standards for the land use and zoning for the location.

Staff Conclusion: Based on the discussion in the staff report and the design package dated 9/14/2022, the subject property is physically suitable for the proposed light industrial use and structures. Additionally, consideration has been made to how the new buildings fit in with the existing neighborhood.

4. *It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.*

Staff Comment: This project is not contrary to specific intent clause, development regulations or performance standards established for the zoning district in which it is located. The proposed uses and related structures are compatible with other land uses, transportation, and service facilities in the vicinity. The structures that are being proposed are more modern in terms of design and functionality to the Center. As stated above, this project meets the development standards in the Three Corridor Specific Plan and the Pinole Municipal Code, with the exception of the fractional requirement for employee parking which is allowed with approval of the CUP. The criteria for a reduction in parking can be met.

Staff Conclusion: Based on the analysis above, Staff concludes this finding has been met.

Parking Reduction Findings. Section 17.48.060 establishes that Planning Commission may grant a reduction in required parking through approval of a CUP. In addition to the required Conditional Use Permit findings under Section 17.12.140, in order to grant a reduction in parking the Commission must find that the project meets three or more of the criteria under Section 17.48.060(B)(1). The criteria are in *italics*, followed by staff comments:

- a. *The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a travel demand management program that will reduce parking demand at the site.*

Staff Comment: Based on the proposed parking plan, the site's proximity to transit, implementation of a transportation demand management program, conditions of approval that require an analysis of parking after an end-user is identified/ adjustments made to ensure that demand does not exceed supply, there is adequate parking proposed.

Staff Conclusion: Based on the analysis above, the use will be adequately served by the proposed parking and the criterion has been met.

- b. *Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.*

Staff Comment: Based on the proposed parking plan, the site's proximity to transit, implementation of a transportation demand management program, conditions of approval that require an analysis of parking after an end-user is identified/adjustments made to ensure that demand does not exceed supply, the supply of on-street parking should not be detrimentally impacted in the surrounding area.

Staff Conclusion: Based on the analysis above, Staff concludes that this criterion has been met.

- c. *The site plan is consistent with the objectives of the zoning district and incorporates features such as unobtrusive off-street parking placed below the ground level of the project with commercial uses above or enclosed parking on the ground floor.*

Staff Comment: The site plan meets the objectives of the Zoning District and due to the location of the buildings, tucked behind other buildings and not visible from San Pablo Avenue, the intent of this finding is met as the parking surrounding the building is unobtrusive and professionally landscaped.

Staff Conclusion Based on the analysis above, Staff concludes that this criterion has been met.

- d. *The applicant has provided on-site parking for car share vehicles via a recorded written agreement between the landowner and the city that runs with the land. Agreement shall provide for proof of a perpetual agreement with a car share agency to provide at least one (1) car share vehicle on-site.*

Staff Comment/Conclusion: This criterion is not needed to be evaluated since the first three have been met.

Parcel Map Findings

The applicant is proposing to merge five parcels into one parcel. The resulting merger would enable the building and all of landscaping and utilities to be located on one single parcel. PMC §16.12.040 designates the Planning Commission as the decision-making body for this type of tentative map.

Section 66474 of the Subdivision Map Act

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*
- (c) That the site is not physically suitable for the type of development.*
- (d) That the site is not physically suitable for the proposed density of development.*
- (e) That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.*
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

After reviewing Findings, A-G, Staff has determined that none of these statements apply and that the Parcel Map meets the existing standards of the City of Pinole Municipal Code. Staff recommends approval of the Parcel Map.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) provides several Categorical Exemptions which are applicable to categories of projects and activities that the Lead Agency has determined do not pose a risk of significant impacts on the environment. The subject project consists of development within the developed urban area of the City of Pinole. The project is exempt under §15332 of the State CEQA Guidelines (Class 32-Infill Development Projects), Sec. 15168 (Consistency with Program EIR) and Sec. 15183 (General Plan/Community Plan Exemption), and under Government Code §65457 (Consistency with Specific Plan). The detail of these exemptions is located in **Exhibit B** of this report.

PUBLIC NOTIFICATION

Pursuant to California Government Code § 65090 to 65094, public notice must be given at least 10 days before the scheduled date of a hearing. The notice is required to state the date, time, and place of hearing, identify the hearing body, and provide a general explanation of the matter to be considered. Notice of this hearing was provided in accordance with PMC §17.10.050 in the following manner:

- 1- Published in at least one newspaper of general circulation in the city.
- 2- Mailed to the owners of property within a radius of five hundred feet of the exterior boundaries of the property involved in the application.
- 3- Mailed to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
- 4- Posted at City Hall.
- 5- Mailed to any person who has filed a written request for notice.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution 23-04 (Exhibit A) approving the Comprehensive Design Review, Conditional Use Permit, Parcel Map and CEQA Exemption for the Pinole Shores II Project at 836 -848 San Pablo Avenue (DR21-19/PL21-0090).

EXHIBIT

- A. Draft Resolution 23-04 – with Exhibit A, Conditions of Approval
- B. CEQA Determination – CEQA Exemption, with Environmental Studies
- C. Plan Set dated September 14, 2022
- D. Transportation Demand Management Plan dated December 2022